

110TH CONGRESS
1ST SESSION

S. 1258

To amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2007

Ms. CANTWELL (for herself, Mr. HATCH, Mr. WYDEN, Mr. ALLARD, and Mr. SMITH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORIZATION FOR SITE SECURITY PRO-**
4 **GRAM.**

5 The Reclamation Safety of Dams Act of 1978 is
6 amended as follows:

7 (1) In section 2, by inserting “and site secu-
8 rity” after “structural safety” and before “of Bu-
9 reau of Reclamation dams”.

1 (2) In section 3, by inserting “and site secu-
2 rity” after “dam safety” and before “and not for”.

3 (3) In section 4(c)—

4 (A) by inserting in “and all costs incurred
5 for post-September 11, 2001 building and site
6 security activities (including facility fortifica-
7 tions and modification and replacement of such
8 fortifications, which shall be treated as capital
9 costs for reimbursement purposes; and oper-
10 ation and maintenance (O&M) costs, including
11 costs of guards and patrols, as identified in the
12 Bureau of Reclamation’s Report to Congress
13 dated February 2006,)” after “for safety pur-
14 poses” and before “shall be reimbursed to the
15 extent”;

16 (B) by inserting after “provided in this
17 subsection.” the following: “Nothing in this Act
18 shall affect or alter the treatment of costs for
19 the continuation of pre-September 11, 2001
20 building and site security activities.”;

21 (C) by inserting after paragraph (2) the
22 following:

23 “(3) In the case of the Central Valley Project
24 of California, safety of dams and site security costs
25 allocated to irrigation and municipal and industrial

1 water service shall be collected by the Secretary ex-
 2 clusively through inclusion of these costs in the oper-
 3 ation and maintenance water rates, capital water
 4 rates, or both.”;

5 (D) by renumbering paragraphs (3) and
 6 (4) as paragraphs (4) and (5), respectively;

7 (E) in paragraph (5) (as redesignated by
 8 subparagraph (D) above)—

9 (i) by striking “Costs” and inserting
 10 the following:

11 “(i) Modification costs”; and

12 (ii) by inserting after “of the rates so
 13 determined.” the following:

14 “(ii) Reimbursable operation and
 15 maintenance costs, including costs of
 16 guards and patrols, shall be repaid annu-
 17 ally, in accordance with the provisions of
 18 paragraph (1).”

19 (4) In section 4, by redesignating subsection (e)
 20 as subsection (f).

21 (5) In section 4, by inserting after subsection
 22 (d) the following:

23 “(e) The Secretary is authorized to develop policies
 24 and procedures that are consistent with the requirements
 25 of subsection (f) and section 5A in order to provide for

1 agreements with project beneficiaries for the return or re-
 2 imburseable costs of site security activities.”.

3 (6) In subsection 4(f) (as so redesignated by
 4 paragraph 4 above)—

5 (A) in paragraph (1), by inserting “or site
 6 security measure,” after “of the modification”
 7 and before “the Secretary”; and

8 (B) in paragraph (2), by inserting “or site
 9 security measure.” after “of the modification”.

10 **SEC. 2. REPORTS TO CONGRESS.**

11 Section 5 of the Reclamation Safety of Dams Act of
 12 1978 is amended—

13 (1) by inserting “(a)(1)” at the beginning of
 14 the first sentence;

15 (2) by inserting “for the modification of struc-
 16 tures which result from new hydrologic or seismic
 17 data or changes in the state-of-the-art criteria
 18 deemed necessary for safety purposes” after “and
 19 ensuing fiscal years” and before “such sums as may
 20 be necessary,”;

21 (3) by adding after paragraph (a)(1) the fol-
 22 lowing:

23 “(2) Effective on the date of the enactment of
 24 this paragraph, there are hereby authorized for post-
 25 September 11, 2001, building and site security ac-

1 activities described in section 4(c) such sums as may
2 be necessary, to remain available until expended.”;

3 (4) by inserting “(b)” before “Provided, that no
4 funds”;

5 (5) in subsection (b), by inserting “the cause of
6 which results from new hydrologic or seismic data or
7 changes in the state-of-the-art criteria deemed nec-
8 essary for safety purposes,” after “an existing dam
9 under this Act,” and before “prior to 30 calendar
10 days.”; and

11 (6) by adding after subsection (b) the following:

12 “(c) The Secretary shall report annually to the Nat-
13 ural Resources Committee of the House of Representatives
14 and the Energy and Natural Resources Committee of the
15 Senate on building and site security actions and activities
16 undertaken pursuant to this Act for each fiscal year. The
17 report shall include a summary of Federal and non-Fed-
18 eral expenditures for the fiscal year and information relat-
19 ing to a 5-year planning horizon for the program, detailed
20 to show pre-September 11, 2001, and post-September 11,
21 2001 costs for the building and site security activities.”.

22 **SEC. 3. OTHER REPORTING REQUIREMENTS.**

23 Section 5A(c)(3) of the Reclamation Safety of Dams
24 Act of 1978 is amended to read as follows:

1 “(3) When a modification is the result of new
2 hydrologic or seismic data or changes in the state-
3 of-the-art criteria deemed necessary for safety pur-
4 poses, the response of the Secretary shall be in-
5 cluded in the reports required by section 5(b).”.

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